

REMARKS

Claims 1-5, 8-16, and 18-23 are pending in the present application. Claims 6-7 were canceled; claims 8-11 were amended; and claims 18-26 were added. Applicants wish to thank the Examiner for the allowance of claims 12-15 and the indication of allowability of claim 16. Reconsideration of the claims is respectfully requested.

1. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 1-5 and 8-11 under 35 U.S.C. § 103 as being unpatentable over US 5,949,345 (BECKERT et al.) 1999-09-07 in view of US 5,541,572 (OKAMOTO et al.) 1996-07-30. This rejection is respectfully traversed.

Specifically, the Examiner stated:

Regarding claim 1: Beckert et al. disclose displaying computer information to a driver of a vehicle comprising at least one vehicle motion condition detector 27 providing signals indicative of current motion of the vehicle (figure 1, col. 4, lines 6-10); at least one signal processor 16 responsive to signals provided by the at least one detector indicative of vehicle motion (col. 4, lines 58-65); at least one vehicle mounted communication device 24 (col. 3, lines 53-65) and at least one blanking device associated with the signal processor and the communication device responsive to the blanking signals to prevent utilization with the at least one communications device by the vehicle operator (figure 1, col. 1, lines 48-59). Beckert et al. do not specifically teach shutting down output from the computer ports to the communications device as claimed. However, shutting down the output from the computer ports to the communications device while the vehicle is moving is old and known in the art as taught by Okamoto et al. (fig. 1, col. 7, lines 63-67, and col. 8, lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique of Okamoto et al. in the system of Beckert et al. in order to totally disable the computer so that it will not respond to commands from the driver. Thus distraction of the vehicle operator can be avoided.

A. Burden

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972

F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The Examiner has failed to meet that burden for the following reasons.

B. References must teach or suggest all elements of the rejected claims

For an invention to be prima facie obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

With regard to independent claim 1, the references fail to teach or suggest all elements of this claim. Independent claim 1 recites "at least one blanking device associated with said signal processor and said communications device responsive to said blanking signals and **configured to shut down output for the computer ports to said communications device** to prevent utilization or interaction with said at least one communications device by said vehicle operator." (emphasis added). The cited references neither teach nor suggest this feature.

As the Examiner has admitted, BECKERT does not teach or suggest this feature. The Examiner instead argues that OKAMOTO teaches this feature. Applicants respectfully disagree—neither BECKERT nor OKAMOTO teach or suggest a feature of shutting down output for computer ports to a communications device.

While the Examiner is correct in noting that OKAMOTO teaches blanking a video display, the manner in which OKAMOTO performs this task is vastly different than the present invention. OKAMOTO is directed to an on-board television system for a vehicle. Like all televisions, the OKAMOTO device receives video signals from an antenna, VCR, or other video signal source and displays the video signals on a CRT, LCD panel, or other form of video display device. The OKAMOTO television has an internal microcomputer circuit that turns off the video display device when the vehicle is in motion:

The microcomputer 2 generates at its output an image display switching signal (i.e., an image display ON signal) for displaying normal images on the display screen 3 of the image display 1 while it is receiving the logical signal of logic L, and an image display switching signal (i.e.,

an image display OFF signal) for not displaying normal images on the display screen 3 of the image display 1 when it receives the logical signal of logic H. The image display ON signal or the image display OFF signal is supplied to the image display 1 through the switching circuit 5. Thus, normal images are produced on the display screen 3 of the image display 1 when the image display ON signal is supplied, i.e., when the automobile is stopped, but normal images cease to be produced on the display screen 3 of the image display 1 when the image display OFF signal is supplied, i.e., while the automobile is moving. [OKAMOTO col. 7, line 63-col. 8, line 11].

This is very different than what Applicants have claimed. Applicants' claim 1 recites shutting down **output from computer ports to a communication device**, rather than simply deactivating a display device, as in OKAMOTO. This is an important distinction in a number of respects.

Firstly, OKAMOTO teaches deactivating a video display screen, but OKAMOTO does not teach or suggest deactivating the source of the video signal displayed on that screen. Independent claim 1, on the other hand, teaches shutting down the computer port outputs that are fed into the communication device. In other words, OKAMOTO shuts down the receiver of the signal, while Applicants' claimed invention shuts down the actual source of the signal fed into the communication device (the computer ports).

This is an important distinction because the fact that the presently claimed invention shuts down the computer ports rather than the communication device is a key advantage of Applicants' invention. While OKAMOTO requires special circuitry in its television receiver to cause it to blank its display, the presently claimed invention does not require the communication device to have any special blanking circuitry, because the computer ports are shut down at the source—that is, at the computer itself, possibly under the control of software. The presently claimed invention can thus be utilized with any standard display devices by virtue of the fact that the presently claimed invention simply provides no signal for a display device to display. Moreover, the presently claimed invention may be utilized with other standard types of input/output devices, because no modification to the input/output devices is necessary.

Secondly, OKAMOTO's television does not inhibit the display of *computer output*, as in the presently claimed invention. While OKAMOTO does mention a

microcomputer, that microcomputer is used simply to switch the display screen on or off. The OKAMOTO microcomputer is not the source of the video signal to be displayed, but is merely a control circuit within the television. As indicated above, the OKAMOTO device is a television set and, like all television sets, receives a video signal from an antenna, VCR, or other conventional video signal source. Applicants' claimed invention, on the other hand, shuts down output *from computer ports* to a communications device. Thus, when Applicants' invention is utilized in conjunction with a video display device, it is the output of the computer itself that is no longer displayed on the video display device when the vehicle is in motion (or taken out of Park or Neutral, as the case may be).

Thus, OKAMOTO fails to teach or suggest Applicants' claimed feature of shutting down output for computer ports to a communications device.

C. No motivation to combine or modify the references to achieve the present invention exists in the prior art

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Even if the missing element of the rejected claims existed in the prior art, for the rejected claims to be obvious there must be some motivation or incentive from the prior art to modify or combine the reference teachings to achieve the present invention. The Examiner suggests that making it possible "to totally disable the computer so that it will not respond to commands from the driver" is a possible motivation to combine the references. The Examiner's argument is meaningless, however, because the television blanking function that the Examiner relies upon OKAMOTO to provide does not disable a computer so that it will not respond to commands from a driver. If the video screen blanking feature of OKAMOTO were somehow applied to a computer, the computer would still be able to respond to the driver's commands—the only difference would be

that the driver could not see the result of those commands on a display screen. It would be the same as if someone operated a computer with the video monitor turned off: the computer would perform the commands typed in by the user, regardless of whether the user was able to see the results of those commands on the screen.

Moreover, the Examiner has not provided any motivation *from the prior art* that making all the necessary modifications to the reference teachings to achieve the present invention would be desirable. If the Examiner cannot make such a showing, then the Examiner has simply relied on hindsight with the benefit of Applicants' disclosure to develop an incentive for the changes, which in fact, would not be obvious to one of ordinary skill in the art at the time the invention was made.

Furthermore, OKAMOTO teaches away from the presently claimed invention since the reference directs one to construct a video display device that shuts itself off in response to vehicle motion, rather than shutting off computer port output, as in the presently claimed invention. *See In re Hedges*, 228 U.S.P.Q. 685 (Fed. Cir. 1986). Thus, one of ordinary skill in the art would not be motivated from the references make the changes necessary to derive the present invention from the reference teachings.

D. Dependent claims

If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 2-5 and 8-11 are dependent claims that depend on independent claim 1. Applicants have already demonstrated claim 1 to be in condition for allowance. Applicants respectfully submit that claims 2-5 and 8-11 are also allowable, at least by virtue of their dependency on allowable claims. Furthermore, claims 2-5 and 8-11 recite additional subject matter not suggested by the cited reference.

For instance, claims 2 and 9 recite that the at least one motion condition detector comprises a transmission park/neutral switch. Neither BECKERT nor OKAMOTO teach a motion condition detector comprising a transmission park/neutral switch. The cited portions of BECKERT relied upon by the Examiner (col. 1, lines 54-55; col. 4, lines 16-20) suggest sensing the use of the parking brake and transmission shift linkage to

determine a possibility of motion. Likewise, OKAMOTO suggests detecting whether the gear shift lever of an automobile is in Park or the parking brake is set (col. 4, lines 58-61). Neither BECKERT nor OKAMOTO teach or suggest the use of the vehicle's park/neutral switch, which is an electrical switch that indicates if the vehicle is in Park or *Neutral*. BECKERT and OKAMOTO consider only if the vehicle is in Park or the parking brake is set—they do not consider whether the vehicle is in Neutral. Hence, claims 2 and 9 are patentable over the cited references for this additional reason.

For the foregoing reasons, Applicants respectfully submit that claims 1-5 and 8-11 are patentable over the references. Accordingly, Applicants respectfully request that the rejection of claims 1-5 and 8-11 be withdrawn.

II. Newly Added Claims

Applicants have added new claims 18-26. Applicants respectfully submit that these new claims are also patentable over the cited references. Claim 18 recites that the at least one signal processor is external to the at least one communications device. This is distinguishable from BECKERT and OKAMOTO, which rely on internal computing devices to perform their respective motion-responsive functions.

Claims 19-22 are method claims that recite a feature of disabling at least one peripheral device so as to prevent interaction between the computer and a user. Neither BECKERT nor OKAMOTO teach or suggest disabling a peripheral device of a computer.

Claim 26 is an additional dependent claim having a dependency on allowed claim 12 and is therefore necessarily allowable by virtue of its dependency on that allowable claim.

III. Objection to Claim 16

The Examiner has indicated that claim 16 would be in condition for immediate allowance if rewritten to eliminate its dependency on claim 1, which was rejected by the Examiner. Applicants respectfully submit that claim 1 is allowable over the prior art of record and that claim 16 should be allowed without further amendment and respectfully request the same.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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